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10/16/01
JC682 U.S. PTO

Practitioner's Docket No. 344.07-US2

PATENT

JC971 U.S. PTO
09/981507
10/16/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Darrell Meyer

For (title): WEIGHT BEARING SYSTEMS AND METHODS RELATING TO SAME

1. Type of Application

This transmittal is for a divisional application.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10*

(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. Section 1.8(a)

37 C.F.R. Section 1.10*

☐ with sufficient postage as first class mail.



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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office (703)

Date: 10/16/01

Erika E. Simpson

2. Papers Enclosed

A. Required for filing date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) photocopy of Parent Application, filed on July 31, 2001 serial number 09/980514 which is a photocopy of the National Phase of serial number PCT/US00/02837 as filed on February 3, 2000:

14 Page(s) of Specification

5 Page(s) of Claims

12 Sheet(s) of Drawing(s)--Informal

B. Other Papers Enclosed

1 Page(s) of abstract

2 Pages(s) of Letter Requesting Declaration of Interference with U.S. Patent no 6,131,362

13 pages(s) of Declaration Supporting Interference, Including 43 Exhibits

3. Additional Papers Enclosed

Preliminary Amendment

4. Declaration or Oath

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of the above-named inventor.

5. Inventorship Statement

The inventorship for all the claims in this application is the same.

6. Language

English

7. Fee Calculation (37 C.F.R. Section 1.16)

Regular Application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$740.00
Total Claims (37 CFR 1.16(c))	17	- 20 =	0 x	\$18.00	\$0.00
Independent Claims (37 CFR 1.16(b))	1	- 3 =	0 x	\$80.00	\$0.00
Multiple Dependent Claim(s), if any (37 CFR 1.16(d))		+	\$270.00	\$0.00	
Filing Fee Calculation					\$740.00

8. Small Entity Statement(s)

Status as small entity was claimed in prior application 09/244801, filed on February 5, 1999, from which benefit is being claimed for this application under 35 U.S.C. SECTION 121, and which status as a small entity is still proper and desired.

Filing Fee Calculation (50% of above) \$370.00

9. Request for International--Type Search (37 C.F.R. Section 1.104(d))

Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

10. Fee Payment Being Made at This Time

Enclosed

Filing Fee	\$370.00
Fee for international-type search report (\$40; 37 C.F.R. Section 1.21(e))	\$40.00
Total Fees Enclosed	\$410.00

11. Method of Payment of Fees

Check in the amount of \$410.00 is attached.

12. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 500341.

37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
37 C.F.R. Section 1.16(b), (c) or (d) (presentation of extra claims)
37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to SECTION 1.136(a))
37 C.F.R. Section 1.17 (application processing fees)

13. Instructions as to Overpayment

Credit Account No. 500341.

14. Relate Back

Replace the relate back statement at the beginning of the specification with:

This application is a divisional of U.S. Application number 09/890,514 filed on July 31, 2001, which is a National Phase filing of PCT Application, number PCT/US00/02837 filed on February 3, 2000, which claims priority to U.S. Application number 09/282306 filed on March 31, 1999, and U.S. Provisional Application number 60/118,952 filed on February 5, 1999, each of which is incorporated herein by reference in it's entirety.

Date: 16 OCT 2001



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

WASHINGTON, D.C. 20231

**LETTER REQUESTING DECLARATION
OF INTERFERENCE WITH U.S. PATENT NO. 6131362**

Re: Application of Darrell G. Meyer
Serial No.: Divisional of 09/890514
Filed : October 12, 2001
Titled: Weight Bearing Systems And Methods Relating To Same

Concurrently filed with this letter are the following:

- Divisional application, including cover sheets, copy of parent 09/890514 specification, copy of declaration and power of attorney filed in the parent application, preliminary amendment, and check;
- Copy of 6131362 patent; and
- Supporting Declaration of Darrell G. Meyer dated October 16, 2001.

All of the claims of U.S. Patent No. 6131362, issued October 17, 2000 have been copied substantially verbatim into the divisional application. These materials are adequate to provoke the interference.

- The application is being filed less than one year after issuance of the 6131362 patent.
- The Meyer declaration establishes a prima facie case of invention prior to the priority date of the 6131362 patent.
- The claims of the divisional application are identical to those of the 6131362 patent.